

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CYNTHIA BERRY,)	
)	No. 06 C 3640
Plaintiff,)	
)	Judge Conlon
v.)	
)	Magistrate Judge Mason
CHICAGO TRANSIT AUTHORITY,)	
PHILLIP CARMICHAEL, and)	
EARL MARSHALL,)	
)	
Defendants.)	

**MOTION TO ENTER JUDGMENT AGAINST DEFENDANT PHILLIP CARMICHAEL AND TO ASSESS
DAMAGES**

NOW COMES THE PLAINTIFF, CYNTHIA BERRY, through her attorney, Armand L. Andry, and submits the following as her motion for judgment against Defendant Phillip Carmichael and to assess damages of \$300,000.00 compensatory damages and \$500,000.00 punitive damages and in support thereof would state the following:

1. Plaintiff filed her complaint against Defendants on July 7, 2006 alleging, *inter alia*, claims for battery and intentional infliction of emotional distress against Defendant Phillip Carmichael. (See Docket entry #1)
2. Defendant Phillip Carmichael was served by the Cook County Sheriff on July 17, 2006. (See Docket entry # 10)
3. Defendant Phillip Carmichael failed to answer the complaint and a default was entered against defendant on August 22, 2006. (See Docket entry # 11)
4. Defendant Phillip Carmichael filed a *pro se* appearance on September 5, 2006. (See Docket entry # 12)
5. Defendant Phillip Carmichael filed a motion to vacate the default on November 9, 2006. (See Docket entry # 28)
6. The motion to vacate was denied on November 16, 2006. (See Docket entry # 34)
7. Plaintiff submitted requests to admit to Defendant Phillip Carmichael on October 3, 2006. (See attached exhibit one, Request to admit to Defendant Phillip Carmichael)
8. Defendant Phillip Carmichael failed to timely respond to the requests. (See Docket entry # 34)
9. The requests to admit support claims of battery by Defendant and Intentional infliction of

emotional distress.

10. As a result of the actions by Defendant Carmichael Plaintiff has been unable to work since January 24, 2006 and has required physical and psychological treatment. (See attached exhibit two, Plaintiff's answers to Defendant CTA's interrogatories.)
11. Plaintiff has been severely damaged by the actions of Defendant Phillip Carmichael resulting in lost wages, severe emotional distress and physical injury.
12. Plaintiff seeks entry of Judgment against Defendant Phillip Carmichael.
13. Plaintiff seeks damages from Defendant Phillip Carmichael in the amount of \$300,000.00 compensatory damages and \$500,000.00 punitive damages.

WHEREFORE, PLAINTIFF PARYS FOR ENTRY OF JUDGMENT AGAINST DEFENDANT
PHILLIP CARMICHAEL AND DAMAGES IN THE AMOUNT OF \$300,000.00
COMPENSATORY DAMAGES AND \$500,000.00 PUNITIVE DAMAGES.

Respectfully Submitted,

/s/ Armand L. Andry

Armand L. Andry

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